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Attorneys for Plaintiff
CHRISTINE CLECAK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CLECAK,)	Case No.: CV08-01987 WDB
)	
Plaintiff,)	STIPULATION REGARDING
)	STANDARD OF REVIEW
v.)	
)	
APPLE COMPUTER, INC.'S SHORT AND)	Courtroom : 4
LONG TERM DISABILITY PLAN,)	Honorable Wayne D. Brazil
)	
Defendant.)	Filed : 4/16/2008

IT IS HEREBY STIPULATED, by and between the parties to this action, plaintiff Christine Clecak ("plaintiff") and defendant Apple Computer, Inc.'s Short and Long Term Disability Plan ("the Plan"), through their attorneys of record, as follows:

1 1. The Plan confers discretion on the plan administrator to determine eligibility for
2 benefits and to construe the terms of the Plan; and

3 2. The Court shall apply the abuse of discretion standard of review to the claim
4 determination under the Plan and under the subject group policy of insurance (which is the subject
5 of this lawsuit), and which determined that plaintiff was not entitled to disability benefits under the
6 Plan beyond on or about July 21, 2007.

7
8 Date: July 31, 2008

WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

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10 By: /s/ Charan M. Higbee
ADRIENNE C. PUBLICOVER
CHARAN M. HIGBEE
Attorneys for Defendant
APPLE COMPUTER, INC.'S SHORT AND
LONG TERM DISABILITY PLAN

11
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13
14 Date: July 31, 2008

FRICKER & MELLEN & ASSOCIATES

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16 By: /s/ Timothy J. Fricker
TIMOTHY J. FRICKER
JAMES G. MELLEN
KAREN L. CREECH
Attorneys for Plaintiff
CHRISTINE CLECAK

CERTIFICATE OF SERVICE

Christine Clecak v. Apple Computer, Inc.'s Short and Long Term Disability Plan, et al.
USDC NDCA Case #CV08-01987 WDB

I am a citizen of the United States. I am over the age of eighteen years and am not a party to the within cause. I am employed in the City and County of San Francisco, California and my business address is 525 California Street, 17th Floor, San Francisco, California 94105.

On this date I served the following document(s):

STIPULATION REGARDING STANDARD OF REVIEW

on the parties identified below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

☒ : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

☐ : **By Personal Service** -- I caused each such envelope to be given to a courier messenger who personally delivered each such envelope to the office of the address.

☐ : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

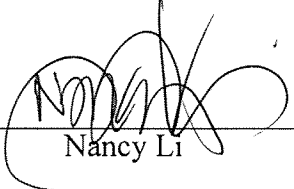
☐ : **Facsimile** -- (Only where permitted. Must consult CCP § 1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in NDCA.)

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Attorneys for Plaintiff
CHRISTINE CLECAK

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

EXECUTED **July 31, 2008** at San Francisco, California.



Nancy Li